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ELECTRONICALLY FILED
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DATE FILED: October 19, 2022

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LIN KWOK KEUNG,

Plaintiff,

-against-

**HOIPHONE 88 INC. d/b/a T-MOBILE
STORE #5341 and 31-33 MARKET REALTY
CORP.,**

Defendants.

21-CV-6697 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of Plaintiff Lin Kwok Keung and Defendant 31-3 Market Realty Corp's ("31-33 Market Realty") letter at ECF No. 11 stating that "no discussions have occurred between the Plaintiff's counsel and opposing counsel" and "Plaintiff has not heard back from counsel for Hoiphone 88 Inc. at this time." ECF No. 11 at 1.

Plaintiff filed the Complaint in this action on August 9, 2021. ECF No. 1. Defendants Hoiphone 88 Inc. d/b/a T-Mobile Store #5341 ("Hoiphone 88") and 31-33 Market Realty Corp. were served with the Complaint on September 13, 2021, setting their deadlines to answer or otherwise respond as October 4, 2021. *See* ECF Nos. 7, 8. To date, neither Defendant has responded to the Complaint and only Defendant 31-33 Market Realty has entered a notice of appearance. *See* ECF No. 9.

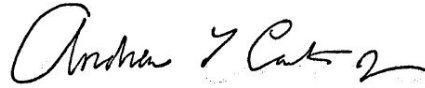
Because of the significant lapse of time since Defendants' October 2021 deadline to respond to the Complaint, by **October 31, 2022**, Defendants shall each file a motion (not to exceed eight pages), explaining why, under the standards set forth in *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 96 (2d Cir. 1993), a belated answer is permissible and why a default

should not be entered. *Liang v. Home Reno Concepts, LLC*, 803 F. App'x 444, 446 n.2 (2d Cir. 2020).

Plaintiff is directed to serve a copy of this Order on Defendant Hoiphone 88 and file proof of service of the same by **October 21, 2022**.

SO ORDERED.

Dated: October 19, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge